BILL GARRETT, Davidson County
Trans:T20130064392 AFFIDAVIT
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Fees:52.00 Taxes:0.00
20130729-0078369

THIS INSTRUMENT PREPARED BY:
Sarah Lodge Tally
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
150 Third Avenue South, Suite 1600
Nashville, TN 37201

AFFIDAVIT FOR FURTHERANCE OF TITLE

STATE OF TENNESSEE)
COUNTY OF shelby)

I, Tony Guzzi, being duly sworn, make oath that these foregoing statements are true and correct to the best of my knowledge, information and belief.

1. That I am the Vice-President of Preservation & Site Operations of The Hermitage, Home of President Andrew Jackson (the "Hermitage") and am familiar with the history of the properties making up the Hermitage.

2. This affidavit is being given for the purpose of clarifying the beneficial ownership of the property known as the Hermitage Farm further described below.

3. The Hermitage currently consists of approximately 656.66 acres according to the tax maps of the Metropolitan Government of Nashville and Davidson County, Tennessee. Of the 656.66 acres, approximately 500 acres (the "Hermitage Farm") was purchased by the State of Tennessee in March 1856 evidenced by the deed in Book 3, page 33, Register's Office for Davidson County, Tennessee. Since that time the State of Tennessee has sold three small parcels totaling approximately 10.19 acres and divided the Hermitage Farm into ten (10) parcels due to the construction of roadways and reserving portions of the land as public rights-of-way. The original 500 acres has been reduced to the 475.33 acres shown in dark gray on the tax map attached hereto as Exhibit "A" and further described as follows:

Tax Map 75	**Acres**
Parcel 001.00	116.89
Parcel 003.00	9.01
Parcel 004.00	48.05
Parcel 025.00	120.90
Parcel 026.00	142.69
Parcel 058.00	26.03
Parcel 129.00	1.89
Parcel 130.00	2.59
Parcel 131.00	4.18
Parcel 132.00	3.07

4. The remaining 181.34 acres of the 656.66 acres were purchased by The Ladies Hermitage Association (the "LHA") from various parties and are shown in light gray on the tax map attached hereto as Exhibit "A" and further described as follows:

Tax Map 75	**Acres**
Parcel 059.01	26.33
Parcel 081.00	3.5
Parcel 091.00	25.77
Tax Map 64	
Parcel 023.01	125.74

5. The Ladies Hermitage Association is a Tennessee not-for-profit corporation doing business as The Hermitage, Home of President Andrew Jackson.

6. Subsequent to the Hermitage Farm being conveyed to the State of Tennessee in 1856, the property was conveyed in trust to the Board of Trustees for the Ladies' Hermitage Association. 1889 Pub. Acts. Chs 180, 239, and T.C.A. §4-13-101 to 108. The creation of the trust gave the State of Tennessee the right to revoke the trust at will. Tennessee Public Acts 1990 Chapter 893, codified in T.C.A. §4-13-101 *et seq.* established that the Hermitage Farm and "Tulip Grove" was conveyed in trust to the Ladies Hermitage Association. According to Attorney General Opinion No. 91-16 dated February 15, 1991, attached hereto as Exhibit "B", the Legislature expressly and unequivocally provided that the Hermitage Farm and the Tulip Grove properties,

> .... shall not be deemed to be state property or property owned by the State and, except as otherwise provided in this part, shall not be subject to controls applicable to state property until the effective date of any revocation of this trust conveyance.

7. In order to comply with the 1990 statutes, the LHA conveyed the four parcels making up the 181.34 acres it had purchased from various parties to the Ladies Hermitage Association, its successors and assigns, in trust for the people of the State of Tennessee, by Quitclaim Deed recorded December 17, 1990 of record in Book 8258, page 802, Register's Office for Davidson County, Tennessee. The records of the Davidson County Assessor of Property and Metropolitan Planning Department (the "Records") were changed to reflect this conveyance and currently show the owners of the four parcels as "The Ladies Hermitage Association, Trustees."

8. The Records incorrectly show the "owner" of the 475.33 acres making up the Hermitage Farm, more particularly described in paragraph 3., as the State of Tennessee. The Records for the ten parcels making up the Hermitage Farm should be corrected to show the owner as "The Ladies Hermitage Association, as Trustees" and the owner's address changed to 4580 Rachel's Lane, Hermitage, TN 37076.

Dated this 26th day of July, 2013.

THE HERMITAGE, HOME OF PRESIDENT ANDREW JACKSON

BY: Tony Guzzi
Tony Guzzi, Vice President

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me Debbie Bourne, a Notary Public in and for said County and State, duly commissioned and qualified, personally appeared TONY GUZZI, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be a Vice-President of The Hermitage, Home of President Andrew Jackson, a non-profit corporation, the within named bargainor, and that he as such Vice-President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such Vice-President.

WITNESS my hand and seal at office this 26 day of July, 2013.

DEBBIE BOURNE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

Debbie Bourne
Notary Public
My Commission Expires: 3/3/15

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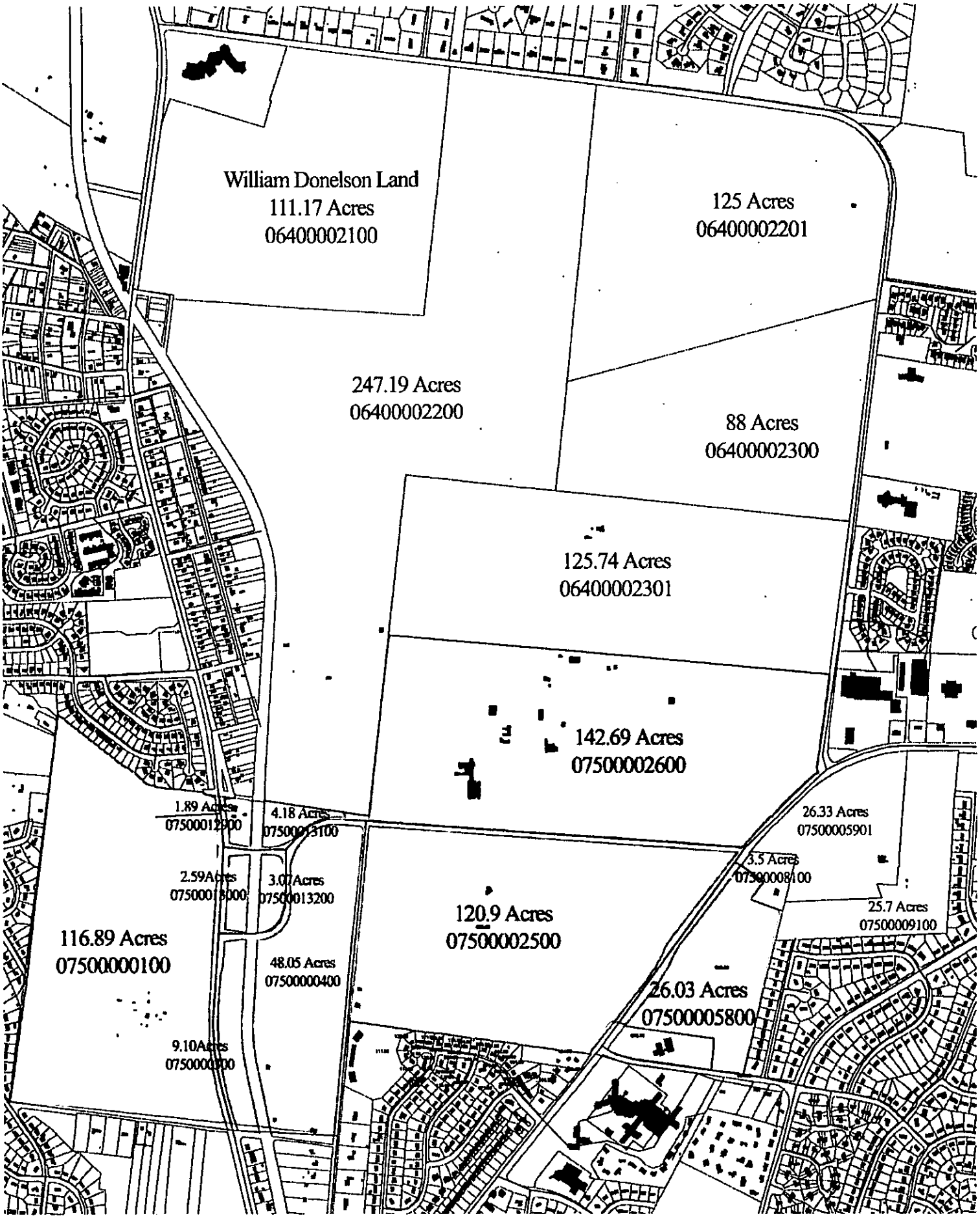

William Donelson Land
111.17 Acres
06400002100
125 Acres
06400002201
247.19 Acres
06400002200
88 Acres
06400002300
125.74 Acres
06400002301
142.69 Acres
07500002600
1.89 Acres
07500012900
4.18 Acres
07500013100
26.33 Acres
07500005901
2.59Acres
07500013000
3.07Acres
07500013200
3.5 Acres
07500008100
25.7 Acres
07500009100
120.9 Acres
07500002500
116.89 Acres
07500000100
48.05 Acres
07500000400
26.03 Acres
07500005800
9.10Acres
07500000300

EXHIBIT A

STATE OF TENNESSEE

Office of the Attorney General

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JIMMY G. CREECY
CHIEF SPECIAL COUNSEL

February 15, 1991

Dr. Robert E. Corlew, Chairman
Tennessee Historical Commission
701 Broadway
Department of Conservation
Nashville, Tennessee 37243-0442

Dear Dr. Corlew:

In response to your request, attached is opinion number 91-16. If you have further questions or comments, please contact this office.

Sincerely,

Charles W. Burson

CHARLES W. BURSON
Attorney General and Reporter

EXHIBIT B

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
450 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37219

February 15, 1991

OPINION NO. 91-16

Tennessee Historical Commission's Authority Over Certain Historical Properties

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QUESTIONS

Whether the Tennessee Historical Commission has statutory authority to manage and control the following historical properties: (a) Belle Meade Mansion; (b) Crag Font; (c) the Hermitage; and (d) the Sam Davis Home.

OPINIONS

The Tennessee Historical Commission does have statutory authority to manage and control the Crag Font historical property, but has contracted with the Sumner County Chapter of the Association for the Preservation of Tennessee Antiquities to manage the property. The Tennessee Historical Commission does not have statutory authority to manage or control the Belle Meade Mansion, the Hermitage, or the Sam Davis Home. These historical properties are not owned by the State at present.

ANALYSIS

Your inquiry concerns whether the Commission has statutory authority to manage and control several historical properties including the Belle Meade Mansion, Crag Font, the Hermitage, and the Sam Davis Home. The Commission was originally created in 1921. 1921 Pub. Acts, Ch. 74. At that time, the Commission had authority to ". . . see to the proper marking and preservation of battlefields, houses and other places celebrated in the history of the State." T.C.A. § 4-1106, repealed. In 1969, the Legislature amended the statutes creating the Commission and

granted it additional duties and authority. 1969 Pub. Acts, Ch. 98. The current statutory provisions outlining the authority of the Commission are consistent with the 1969 legislation.

T.C.A. § 4-11-108(a)(1) provides that:

> [t]he historical properties owned by the state shall be placed under the authority of the commission which may in its discretion make a contract with any county, municipality, or agency within the state or with any nonprofit corporation or organization or with any private individual, partnership, corporation or association for the administration, development, or operation of such property, which contract shall be subject to periodic review.

T.C.A. § 4-11-108(a)(3) provides that:

> the commission shall determine criteria for the approval of such properties for state aid; and shall make reasonable rules for the regulation of use by the public of such historical properties under its charge, including the establishment of admission fees to be charged to the public.

The Commission is authorized to "administer funds made available from public sources for historical purposes . . .", T.C.A. § 4-11-103(b), and is required to exercise administrative supervision over all funds so appropriated. In fact, no allotment of funds can be made without the review of the commission. T.C.A. § 4-11-103(c).

Whether the specific Tennessee historic properties in question are subject to the authority and control of the Commission depends primarily upon whether the property in question is owned by the State of Tennessee, or by some other entity. The Belle Meade Mansion was initially purchased by the State of Tennessee in 1953. The purchase of the property was authorized by the Legislature that same year. 1953 Pub. Acts, Ch. 46. In accordance with the same statutory provision, the property was then deeded in trust to the Association for the Preservation of Tennessee Antiquities. The deed was recorded at Deed Book 4367, Page 876 of the Register's Office for Davidson County, Tennessee.

Former President Andrew Jackson's home, the Hermitage, was apparently acquired by the State of Tennessee in 1856. 1856

Pub. Acts, Ch. 96. In 1889, the property was conveyed in trust to the Board of Trustees for the Ladies' Hermitage Association. 1889 Pub. Acts, Chs. 180, 239. This statutory scheme was codified at T.C.A. §§ 4-13-101 to -108. The creation of the trust for the Hermitage gave the State of Tennessee the right to revoke the trust at will. T.C.A. § 4-13-108. In addition, the State of Tennessee was specifically granted a possibility of reverter should the Ladies Hermitage Association fail to comply with the purposes of the trust's creation. See T.C.A. §§ 4-13-102 and -107 (1985).

In 1990, the "Hermitage farm" was expressly conveyed in trust to the Ladies' Hermitage Association. 1990 Pub. Acts, Ch. 893, § 12, codified as T.C.A. § 4-13-101 (Supp. 1990). The Legislature expressly and unequivocally provided that the "Hermitage farm" and the "Tulip Grove" properties,

> . . . shall not be deemed to be state property or property owned by the State and, except as otherwise provided in this part, shall not be subject to controls applicable to state property until the effective date of any revocation of this trust conveyance.

T.C.A. § 4-13-109 (Supp. 1990). There is no provision in the 1990 statutes that even remotely suggests that the "Hermitage farm" or the "Tulip Grove" properties are subject to the authority of the Commission. To the contrary, the statutory provisions now provide that the Ladies' Hermitage Association is required to furnish certain enumerated reports only to the Commissioner of Finance and Administration, the Comptroller of the Treasury, the State Building Commission and the State architect. See T.C.A. § 4-13-104 (Supp. 1990).

The Sam Davis Home was purchased by the Sam Davis Commission in the name of the State of Tennessee from Mr. O. M. Davis, Jr., in 1927. In 1932, the Legislature created the Sam Davis Memorial Association and conveyed title to the Association in trust. 1931 Pub. Acts, Ch. 92. The statutory scheme was later codified at T.C.A. §§ 4-13-301 to -307. The Legislature specifically provided that the State could revoke the trust at will. T.C.A. § 4-13-307. This Office has previously advised the Commission, by letter of October 8, 1976, that it did not have legal responsibility for the management of the Sam Davis Home. A copy of our letter is attached to this Opinion.

In 1957, the Legislature authorized the Commission to purchase the Crag Font property for a sum not to exceed $30,000.00. 1957 Pub. Act., Ch. 268, § 2. This statute was later codified as T.C.A. §§ 4-13-401 to -406. The Legislature authorized the Commission to convey the property in trust to the

Association for the Preservation of Tennessee Antiquities. T.C.A. § 4-13-404. The Legislature also provided that actual custody and control of the property should belong to the Sumner County Chapter of the APTA. Id. It is our understanding that the Commission has elected not to convey the Crag Font property, but rather, to contract with the Sumner County Chapter of the APTA to manage the property in question. Apparently, title to the Crag Font property is still held by the Commission.

Consistent with our letter of October 8, 1976, the Belle Meade Mansion, the Hermitage, and the Sam Davis Home are not "historical properties owned by the state" within the meaning of T.C.A. § 4-11-108. As such, these properties are not placed under the authority of the Tennessee Historical Commission and are not subject to the control or management of the Commission. Thus, it is the opinion of this Office that the Tennessee Historical Commission has no legal authority to control or manage these historical properties. By contrast, the Crag Font property is apparently owned by the State of Tennessee within the meaning of T.C.A. § 4-11-108. As such, it is subject to the control and management of the Tennessee Historical Commission; however, the management of this property has been contracted by the Commission to the Sumner County Chapter of the Association for the Preservation of Tennessee Antiquities pursuant to T.C.A. § 4-11-108(a). Thus, it is also the opinion of this Office that the Tennessee Historical Commission does presently have legal responsibility and authority for the management and control of the Crag Font property.

If you have any further questions concerning this matter, please let us know.

Charles W. Burson

CHARLES W. BURSON
Attorney General and Reporter

John K. Walkup

JOHN KNOX WALKUP
Solicitor General

Stuart F. Patton

STUART F. PATTON
Assistant Attorney General

Requested by:

Dr. Robert E. Corlew, Chairman
Tennessee Historical Commission
701 Broadway
Department of Conservation
Nashville, Tennessee 37243-0442